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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,221	05/02/2001	Tony E. Piotrowski	US 010216	5954

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EXAMINER

LAYE, JADE O

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,221

Applicant(s)

PIOTROWSKI, TONY E.

Examiner

Jade O. Laye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-10 and 12-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) filed on 5/2/01 and 8/15/02 have been entered into applicant's file. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Specification

2. The disclosure is objected to because of the following informalities:
- a. There are a number of typos and grammatical errors throughout the Specification.
 - b. The Specification refers to "control processor 20." But, item 20 is referred to as "microprocessor" within the drawings. Both terms should correspond.

Appropriate correction is required.

Claim Objections

3. Claims 2-6, 8-10, and 12-15 are objected to because of the following informalities:
- a. Claims should begin with one capital letter and end with one period. The term "Claim," which is contained within the claim body, should not be capitalized.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US #5,195,135).

Applicant's claim 1 recites a method of disabling sound and/or a visual display comprising the steps of:

- a. receiving a video signal, which includes at least one rating and position code
- b. comparing the rating code with a predetermined program code
- c. disabling the sound and/or blocking a subsection of the visual display based upon the comparison

Palmer discloses a method in which an encoded television signal (Col. 3, Ln. 32-41) is censored by muffling the audio signal (Col. 3, Ln. 24-27) and by obscuring or blurring the video signal (Col. 3, Ln. 27-29) within a single group of one or more cells within each frame. (Fig. 3). This is accomplished via a comparison of the censorship classification data encoded in the program and the censorship threshold data entered by the user. (Col. 3, Ln. 16-21). The examiner recognizes applicant's claim 1 recites "blocking" while Palmer teaches "blurring or obscuring." However, blocking is simply an obvious variant of obscuring or blurring. Moreover, the examiner takes Official Notice that the blocking of visual images is well-known in this art. Thus, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to modify the obscuring/blurring teaching of Palmer to further include blocking of the visual image in order to wholly prevent any image from being viewed.

Claims 7 and 11 are apparatus and means-plus-function claims, respectively, which correspond to method claim 1 and are analyzed and rejected as previously discussed.

As to claim 2, Palmer further discloses that his invention relates to automatic censorship of television broadcasts. (Col. 1, Ln. 8-10). Accordingly, each and every limitation of claim 2 has been disclosed by Palmer.

As to claim 3, Palmer teaches that the censorship classification data encoded onto the signal contains two 2-digit hexadecimal numbers used to identify the boundaries of the multicell

region to be obscured within the frame (i.e., position code). (Col. 3, Ln. 32-35). Accordingly, each and every disclosed of claim 3 has been anticipated by Palmer.

Claim 12 is a means-plus-function claim corresponding to method claim 3 and is analyzed and rejected as previously discussed.

As to claim 4, Palmer discloses that censorship of the video signal is accomplished on a frame-by-frame basis and that the signal varies according to the content displayed. (Col. 3, Ln. 65-67 & Col. 4, Ln 25-38). Accordingly, each and every limitation of claim 4 has been disclosed by Palmer.

Claim 13 is a means-plus function claim corresponding to method claim 4, and is analyzed and rejected as previously discussed.

As to claim 5, Palmer further discloses the use of a selector means, which is adjusted by the user to enter the classification mode threshold. (Col. 4, Ln. 67-68 & Col. 5, Ln. 1-2). Also, it is inherent in a system such as this, that the mode threshold be stored so that the incoming encoded signal can be compared accordingly. Therefore, each and every limitation of applicant's claim 5 has been disclosed by Palmer.

Claim 14 is a means-plus-function claim corresponding to the method claim 5, and is analyzed and rejected accordingly.

As to claim 6, Palmer further discloses a decoder means, which extracts the censorship classification data (i.e., rating and position code) from the television signal. (Col. 5, Ln. 5-9). Accordingly, each and every limitation of claim 6 has been disclosed by Palmer.

5. Claims 8, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Kwoh. (US #6,226,793).

Applicant's claim 8 recites the apparatus of claim 7, wherein the data capture module forms part of a closed captioning system. As discussed earlier, Palmer contains all limitations of claim 7 and further discloses that his invention can be added to an existing video programming system, which utilizes the standard NTSC programming format (Col. 5, Ln. 67-68 & Col. 6, Ln. 1-4), but fails to specifically mention any closed captioning system. However, within the same field of endeavor, Kwoh teaches it is well known in this art that closed captioning data associated with a television program is transmitted as encoded composite data in the vertical blanking interval ("VBI") line 21 of a standard NTSC signal. (Col. 13, Ln. 2-6). Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the signal controlling system of Palmer with the closed captioning teaching of Kwoh in order to provide a system and method capable of filtering closed caption text.

Claim 15 is a means-plus-function claim corresponding to method claim 8, and is analyzed and rejected as previously discussed.

Applicant's claim 9 recites the apparatus of claim 8, wherein the video signal is a t.v. program and the rating and position codes are extracted from line 21 of the vertical blanking interval. As discuss above, Palmer and Kwoh contain all limitations of applicant's claim 8, and Palmer further discloses the classification code (i.e., rating and position code) can be encoded onto any suitable point within a standard NTSC video signal. (Col. 3, Ln. 38-41). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify the combined teachings of Palmer and Kwoh to also include the NTSC teaching of Kwoh in order to provide more VBI selection alternatives for signal coding.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of Chard (US #4,605,964).

Applicant's claim 10 recites the apparatus of claim 7, wherein the data capture module forms part of a teletext system. As discussed above, Palmer discloses the apparatus of claim 7, but fails to teach that it forms a part of a teletext system. However, in the same field of endeavor, Chard discloses a decoder, which forms part of a teletext system. (Col. 2, Ln. 46-68). It would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the apparatus of Palmer with the teletext encoding capability of Chard in order to provide a simpler, well-known method of encoding.

7. Other prior art not cited but considered to be pertinent to the state of the art at the time of applicant's invention is listed below:

- a. August et al. (US #6,100,916) addresses a system and method for subscriber controlled signal blocking.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (703)308-6107. The examiner can normally be reached on Mon. 7:30am-3pm, Tues.-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials JL
November 16, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600